IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 25996 of 2007(T)

PETITIONER:

RAPPAI, AGED 55, S/O.VAZHAPPILLY
OUSEPH, OLLOOR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE TAHSILDAR, THRISSUR TALUK OFFICE,
THRISSUR DISTRICT.

2. THE DISTRICT COLLECTOR, THRISUR.

3. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO THE GOVERNMENT, REVENUE DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ALONG WITH W.P. (C)NO.26016 OF 2007, W.P.(C)NO.26017 OF 2007 ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NOs.25996,26016, &
26017 OF 2007

DATED THIS THE 24th DAY OF AUGUST, 2007

JUDGMENT

In these three writ petitions, the petitioners are challenging identical notices produced as Ext.P1 in all these writ petitions, by which the petitioners have been directed to vacate the properties mentioned therein within fifteen days. The petitioners' grievance is that the petitioners are not being heard before issuing the same.

2. I have heard the learned Government pleader also. The learned Government pleader could not satisfy me that the impugned notices have been preceded by a notice or hearing. Therefore, I am satisfied that the same are issued in violation of the principles of natural justice as also the provisions of the Kerala Land Conservancy Act and Rules. Therefore, the same are liable to be quashed. However, if these notices are treated as show cause notices, it may not be necessary to quash the same. In the above circumstances, these writ petitions are disposed of with the following directions.

The concerned Tahsildar shall treat the impugned notices as show cause notices. The petitioners shall file objections within two

weeks from today. The Tahsildar shall afford an opportunity of being heard to the petitioners, which shall include an opportunity to adduce evidence also. Thereafter, the Tahsildar shall pass a speaking order dealing with the contentions of the petitioners on the basis of the evidence to be produced by them. Till after two weeks of communication of the orders to be so passed, the petitioners shall not be evicted from the property in question.

S. SIRI JAGAN, JUDGE

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